



# WYOMING DEPARTMENT OF CORRECTIONS

## Policy and Procedure #1.217 Employee Associations

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<b>Authority:</b> Wyoming Statute(s): 25-1-104; 25-1-105; 27-7-108 through 27-7-115; 16-4-203(d)(iii)  ACA Standard(s): None Noted	<b>Effective Date:</b> October 3, 2014 <b>Revision/Review History:</b> 10/01/13 09/15/12 09/19/11
	<b>Summary of Revision/Review:</b> Updates existing policy pursuant to annual review.
<b>Cross Reference of Policy:</b> P&P #1.014, <i>Investigations</i> ; P&P #1.215, <i>Code of Ethics</i>	<b>Supersedes Existing Policy :</b>
<b>Approved:</b>	
R.O. Lampert	10-3-14
Robert O. Lampert, Director	Date

### REFERENCE

1. ATTACHMENTS – None Noted
2. OTHER
  - A. *State of Wyoming Personnel Rules*, Ch.1, Sec 10-11, and Ch.12.
  - B. *Wyoming Personnel Records Policy*, Department of Administration and Information, Human Resources Division



## I. PURPOSE

- A. **Providing Reasonable Access to Employee Associations.** The purpose of this policy and procedure is to provide guidelines to be followed in contacts and relationships between the Wyoming Department of Corrections (WDOC) and WDOC employee associations or labor organizations. WDOC shall provide reasonable access by employee associations to meet with WDOC staff within the confines of WDOC facilities and offices.

## II. POLICY

- A. **General Policy.** It is the policy of WDOC to provide guidelines to be followed in contacts and relationships between the WDOC and WDOC employee associations or labor organizations.
- B. **Reasonable Access.** It is the policy of the WDOC to provide meaningful opportunities and reasonable access to employee associations while maintaining the safety of the public, WDOC employees, contract workers, volunteers, offenders, and visitors and while ensuring the safe and secure operations of WDOC facilities, offices, and programs.
- C. **Neutral Position.** It is the policy of the WDOC to maintain a neutral posture in regard to all WDOC employee association or labor organization activities.
- D. **Representation.** It is the policy of the WDOC that employee association representatives, including WDOC staff who serve as a personal representative of other staff in the course of investigations or grievance hearings, will generally be expected to do so in an off-duty capacity. In the event that an off-duty personal representative is not available to the employee at the time of the scheduled meeting or hearing, the employee may request the presence of an on-duty personal representative. The CEO or designee may release an on-duty staff member from his/her post through post relief to act as a personal representative if doing so would not unduly restrict operations or require the employer to pay overtime. If no replacement can be provided, the employee shall be offered the opportunity to select another representative, or proceed without a representative present.

## III. DEFINITIONS

- A. **Chief Executive Officer (CEO):** A CEO is identified, but not limited to, the following positions: Director, Deputy Director, division administrators, deputy administrators, wardens, district supervisors, adult community corrections coordinator, and adult community corrections directors.



- B. **Employee Association:** A group, independent of the State of Wyoming, the Wyoming Department of Corrections, the correctional facility or departmental office/program, which acts in the interest of a group of employees. (*Note:* The term employee association is a broad category which includes, but is not limited to, labor organizations).
- C. **Human Resources Office:** (*For this policy only.*) The office in which payroll is normally distributed and staff personnel files are maintained.
- D. **Labor Organization:** (See W.S. § 27-7-108(a).) Any organization, or any agency or employee representation committee, plan or arrangement, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work
- E. **Staff Member:** Wyoming Department of Corrections' employees (temporary and permanent), contractors, volunteers, on-site vendors, and persons from other agencies, organizations and businesses whose work is performed primarily on or within WDOC facilities.

#### IV. PROCEDURES

- A. **Employee Association Procedure/Responsibilities.** The Chief Executive Officer (CEO) or his/her designee shall allow access by employee associations to meet with WDOC staff within the confines of WDOC facilities and offices, providing the following procedures and responsibilities are followed:
  - 1. Employee association representatives shall be allowed to present a five (5) minute overview of the scope of their membership to all new WDOC employees during their initial training. In addition, employee associations will be allowed to provide the WDOC with printed membership information which will be made available to staff during in-service training.
  - 2. Requests to meet with employees, outside of the initial training, shall be made in advance and in writing. If circumstances do not allow for an advance written request, a verbal request may be made with a written request following within three (3) business days.
  - 3. Each request to meet with employees shall include the name(s) of representatives to visit the facility, the position of the representative(s) and the name of the group represented.



4. Each request to meet with employees shall include a statement outlining the purpose of the visit.
5. Each request to meet with employees shall include the requested date and time of the visit.
6. Upon arrival at the particular facility or office, employee association representatives shall:
  - i. Officially check-in through the office of the CEO or designee;
  - ii. Be available to brief designated facility staff on the issues to be discussed while on-site.
6. Prior to leaving the facility or office, employee association representatives shall:
  - i. Officially check-out through the office of the CEO or designee;
  - ii. Be available to debrief designated facility/office staff. This debriefing will center on issues which may have impact on the management, security, or safety of the facility/office, staff or inmates.

**B. Facility/Office Procedures & Responsibilities**

1. The servicing Human Resources Officer shall be responsible for ensuring timely processing of employee payroll deductions for employee association membership dues.
  - i. Payroll deductions submitted to Human Resources prior to the 14<sup>th</sup> calendar day of each month should be processed prior to that month's payroll run.
2. The CEO or his/her designee shall provide an on-site location for employee association representative(s) to meet with employees.
  - i. Meetings shall not interfere with the function of the facility or office.
  - ii. Meetings at the correctional facilities shall not be in a location accessible to the inmate population.



- iii. Meetings between employee association representatives and staff at the WDOC Training Academy shall be permitted and accommodated for within the guidelines of this policy.
- 3. Employees shall adhere to the WDOC Policy and Procedure #1.215, *Code of Ethics*, and other departmental policy.
  - i. The use of state provided/purchased supplies or equipment, including e-mail, may not be used for conducting employee associations group business.
- 4. Meetings shall be on off-duty time unless other time is specifically approved by the WDOC Director or designee.
- 5. Bulletin boards shall be provided at each WDOC facility for use by employee associations and only contain announcements by the association or membership information.
  - i. The employee association bulletin board shall be secured in an area that provides all staff ready access.
  - ii. Requests to place information on/in bulletin board space shall be submitted to the CEO or designee for review and approval prior to posting to preclude information which may have an impact on the management, security of the facility/office, staff or offenders.
  - iii. The key to the bulletin board will be located in each facility control room and may only be accessed by a WDOC employee who has been designated, in writing, by the employee association.
  - iv. Approved materials shall be retained on the bulletin board for no more than sixty (60) calendar days, unless otherwise approved by the CEO.

### C. Investigations

- 1. Staff participating in a formal investigation may request to have an employee association/union representative present during interview pursuant to the provisions of WDOC Policy and Procedure #1.014, *Investigations*.
  - i. During the interview, the representative may not interfere with or impede the interview process, and may be excluded from the interview if his/her behavior becomes disruptive to the interview.



- ii. No witness or potential witness to the alleged violation, or staff assigned to the WDOC Investigations Unit, will be permitted to act as a personal representative.

#### D. Grievances

1. Grievance procedures shall be conducted in accordance with Chapter 12 of the *State of Wyoming Personnel Rules*.
  - i. An officer of an employee association may, with written consent of an association member, file a grievance on behalf of that employee.
  - ii. An officer of an employee association may accompany an employee during any grievance proceedings outlined in the personnel rules.
2. Employee association representatives requesting to interview employees on state time in the course of conducting a grievance investigation shall provide the CEOs with the name(s) of individuals to be interviewed.
3. CEOs shall make every effort to provide a location and time for grievance investigation interviews with employees.
4. Personnel records are confidential pursuant to W.S. § 16-4-203(d)(iii) and shall be disclosed only as required by law.
5. All CEOs or their designee shall inform the Director of any violation of W.S. §§ 27-7-108 through 27-7-115 which govern recruitment of, membership in and payment of dues to labor organizations which, as that term is defined in W.S. § 27-7-108, includes employee representative groups.
6. Each employee has the right, regardless of membership in an employee association, to bring matters of personal concern to the attention of the appropriate officials in accordance with applicable laws, rules and government policies.
7. Unless otherwise provided for by this policy, an individual wishing to confer with his/her employee association representative shall do so away from the worksite and outside of regularly scheduled work hours.

#### V. TRAINING POINTS



- A.** What is an “employee association”?
- B.** How shall requests by employee associations to meet with employees be made?
- C.** What are the responsibilities of employee association representatives when they arrive at the institution?
- D.** What are the responsibilities of employee association representatives prior to leaving the institution?
- E.** When and where should meetings between employee association representatives and employees take place?